

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 707 - HB 1102

April 20, 2021

SUMMARY OF ORIGINAL BILL: Expands eligibility for expunction to a person convicted of assault and a person whose criminal conviction was eligible for judicial diversion at the time of sentencing.

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Revenue – Exceeds \$483,500/FY21-22 and Subsequent Years

SUMMARY OF AMENDMENT (007397): Deletes all language after the enacting clause. Expands eligibility for expunction to a person convicted of a Class A misdemeanor assault, if eligible for judicial diversion at the time of sentencing.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 40-32-101(g)(1)(B), a person who commits certain crimes is authorized to petition the court for expunction.
- Public Chapter 200 (2019) removed state application fees for applying for expunction; therefore, any increase in petitions for expunctions will not result in a significant fiscal impact to state revenue.
- Pursuant to Tenn. Code Ann. § 8-21-401(d)(2), a court clerk shall charge a fee of \$100 for proceedings related to expungements.
- Pursuant to Tenn. Code Ann. § 39-13-101, a person commits assault who: (1) intentionally, knowingly or recklessly causes bodily injury to another; (2) intentionally or knowingly causes another to reasonably fear imminent bodily injury; or (3) intentionally or knowingly causes physical contact with another and a reasonable person would regard the contact as extremely offensive or provocative. The first two provisions are considered Class A misdemeanor offenses and the last provision is considered a Class B misdemeanor offense.
- According to data from the Tennessee Bureau of Investigation's CrimeInsight program, there has been an average of 32,233 simple assault arrests between 2017 and 2019.

- It can be reasonably estimated that at least 15 percent of offenders will seek and be approved for expunction under this legislation each fiscal year, resulting in at least 4,835 (32,233 x 15%) expunctions annually.
- There is currently no information available to estimate how many criminal convictions were eligible for judicial diversion at the time of sentencing.
- There will be an increase in local revenue exceeding \$483,500 (4,835 x \$100) in FY21-22 and subsequent years.
- Any increase in workload to the courts can be accomplished within existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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